Debbie Beadle

From:

Samuel Rodabough <sam@GSKLegal.pro>

Sent:

Thursday, December 06, 2012 4:37 PM

To:

Debbie Beadle

Cc:

Kamuron Gurol; Evan Maxim; Susan Cezar; Eric LaFrance; rob@kapela.me

Subject:

Kapela Comments - Public Hearing on ECA Updates

Attachments:

Commission Letter.pdf

To whom it may concern,

Please see a letter attached in pdf format for the Public Hearing on the ECA update. The letter is on behalf of my client, Rob Kapela, and concerns the No-Disturbance Area within the Erosion Hazard Near Sensitive Water Bodies Overlay.

Sincerely,

Samuel A. Rodabough Groen Stephens & Klinge, LLP 10900 N.E. 8th Street, Suite 1325 Bellevue, WA 98004 (425) 453-6206 (phone) (425) 453-6224 (fax) sam@gsklegal.pro

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December 6, 2012

Via Email and Hand Delivery

Sammamish Planning Commission *Attn:* Kathy Richardson, Chair and Commission Members 801 228th Avenue SE Sammamish, WA 98075

Re: Allowing Increased Flexibility for Using Existing Residential Parcels Within the Erosion Hazard Near Sensitive Water Bodies Overlay

Dear Chair and Commission Members:

This firm represents Rob Kapela, the owner of a nearly 9-acre parcel of real property commonly known as 4060 212th Way SE, Sammamish. The property is located within the No-Disturbance Area within the Erosion Hazard Near Sensitive Water Bodies Overlay and is improved with an existing single-family residence. City Staff has proposed to amend existing regulations to allow for Low Impact Development (LID) in the No-Disturbance Area for purposes of additions and other improvements to existing single-family residences. Mr. Kapela respectfully requests that the Planning Commission adopt these provisions, which are contained primarily in pages 23 to 24 of the Planning Commission's Deliberation Draft Regulations, a courtesy copy of which is attached hereto.

Most of the proposals before the Planning Commission concern allowing subdivision within the No-Disturbance Area. Mr. Kapela does not desire to subdivide his property at this time. Instead, he simply desires to have greater flexibility to improve his existing acreage. Such improvements may include an addition to his single-family residence, or constructing new outbuildings, including a shed, riding arena, or other structures.

City Staff has agreed that the existing regulations do not allow enough flexibility for such commonplace improvements without incurring disproportionate expenses in the permitting process. Accordingly, City Staff has drafted an option to allow for LID within the No-Disturbance Overlay (this is different from City Staff's proposal to allow LID for purposes of subdivision). This LID option is particularly well-suited for large acreage properties with existing improvements, such as Mr. Kapela's, where modest additional improvements are planned. This option has received a positive rating from City Staff. Accordingly, Mr. Kapela respectfully requests that the Commission adopt the attached provisions.

Sincerely,

GROEN STEPHENS & KLINGE LLP

Samuel A. Rodabough sam@GSKlegal.pro

cc: Client

- (A) A-Where applicable under SMC 21A.50.120, a report that meets the requirements of SMC 21A.50.130 shall show that the clearing development activities will not subject the area to risk of landslide or erosion and that the purpose of the no-disturbance area is not compromised in any way;
- (B) The <u>clearing development</u> activities shall be mitigated, monitored and bonded consistent with the mitigation requirements applicable to critical areas;
- (C) The <u>clearing development</u> activities are limited to the minimal area and duration necessary for construction; and
- (D) The clearing development activities are consistent with this chapter.

(b) New single-family home construction or modifications or additions to existing single-family homes on existing legal lots that will result in a total site impervious surface of more than 2,000 square feet shall provide a drainage design, using the following sequential measures, which appear in order of preference:

(i) Infiltration of all site runoff shall be required to the maximum extent technically feasible in soil conditions, consistent with the infiltration system design requirements of the KCSWDM;

(ii) Development proposals that meets the goals of Low Impact Development, by providing:

- (A) Sixty-five (65) percent of the site shall remain as open space.
- (B) Ten (10) percent of the gross site area may be covered with impervious surface.
- [C] Effective impervious surface on the site shall be minimized to the maximum extent practically feasible by limiting stormwater discharge volumes to match average annual volume discharged from the pre-developed forested site conditions as determined using a calibrated continuous simulation hydrologic model based on the EPA's HSPF program or an approved equivalent model. The city may modify these requirements based upon site specific analysis of the feasibility of required improvements, standards and specifications. Such analysis shall include evaluation of site and vicinity soils, hydrology, and other factors, as determined by the City, affecting the successful design of the stormwater or low impact development improvements. The city shall consider purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the proposal when evaluating a waiver or modification request. The applicant shall bear the burden of proof that a waiver or modification is warranted.

(iii) For development proposals that cannot infiltrate all site runoff, the applicant shall design a drainage system that provides a drainage outlet designed using the best available science techniques to limit the risk of landslide or erosion to the no-disturbance area; and

Comment [EM17]: Re-organization for clarity

Comment [EM18]: Item 4-15e

(4) Development standards for properties draining to the no-disturbance area. The following development standards shall be applied, in addition to all applicable requirements of this chapter, to development proposals located within the erosion hazards near sensitive water body overlay that drain to no-disturbance area:

(ae) New proposed subdivisions, short subdivisions, public institutions, commercial site development permits, and binding site plans for sites that drained predeveloped runoff to the nodisturbance zone shall evaluate the suitability of on-site soils for infiltration. All runoff from newly constructed impervious surfaces shall be retained on site unless this requirement precludes a proposed subdivision or short subdivision from achieving 75 percent of the maximum net density as identified in Chapter 21A.25 SMC. When 75 percent of the maximum net density cannot be met, the applicant shall retain runoff on site and a perforated tightline (Figure C.2.I, Appendix C, of the 1998 KCSWDM, as amendedper the adopted stormwater design manual) shall be used to connect each lot

(i) Infiltration of all site runoff shall be required in granular soils as defined in the King County Surface Water Design Manual (KCSWDM);

to the central drainage system. The following drainage systems shall be evaluated, using the

following sequential measures, which appear in order of preference:

- (ii) Infiltration of downspouts shall be required in granular soils and in soil conditions defined as allowable in the KCSWDM when feasible to fit the required trench lengths on site. All flows not going to an individual infiltration system shall be detained on site using the most restrictive flow control standard; and
- (iii) When infiltration of downspouts is not feasible, the applicant shall design a drainage system that will detain flows on site using the applicable flow control standard and shall install an outlet from the drainage system designed using the best available science techniques to limit the risk of landslide or erosion to the no-disturbance area; provided, that in no case shall development proposals generating more than 2,000 square feet of impervious surface create point discharges in or upstream of the no-disturbance or landslide hazard areas.
- (d) New single family home construction or modifications or additions to existing single family homes on existing legal lots that will result in a total site impervious surface of more than 2,000 square feet shall provide a drainage design, using the following sequential measures, which appear in order of preference:
 - (i) Infiltration of all site runoff shall be required to the maximum extent technically feasible in soil conditions, consistent with the infiltration system design requirements of the KCSWDM;

Comment [EM19]: Re-organization for clarity

Comment [CdS20]: Item 4-5